

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

UNITED STATES OF AMERICA

VS.

CRIMINAL NO. 3:96CR90TSL

MARCUS LENOIR

ORDER

This cause is before the court on the pro se motion of defendant Marcus Lenoir for a reduction in sentence to 18 U.S.C. § 3582(c)(2).

On May 9, 1997, the court sentenced Lenoir, who had pled guilty to charges involving the distribution of cocaine base, to a 46-month term of imprisonment, to be followed by four years of supervised release. Lenoir completed his term of imprisonment and was released to commence the service of his term of supervised release. Thereafter, on August 10, 2004, having found defendant in violation of the terms of his supervised release, the court sentenced defendant to nine months' imprisonment. Defendant has since completed this term of imprisonment. On May 29, 2008, defendant filed this motion for a reduction in sentence based on the recent amendments to the sentencing guidelines regarding cocaine base.

Under 18 U.S.C. § 3582(c)(2), the court may resentence a defendant if the defendant, who is serving a term of imprisonment, was sentenced based on a sentencing range that has

subsequently been reduced by an amendment to the Sentencing Guidelines and certain other criteria are satisfied. Here, inasmuch as defendant is no longer serving a term of imprisonment, defendant is entitled to no relief, and his motion is due to be denied.

It is ordered that the motion for reduction pursuant to 18 U.S.C. § 3582(c)(2) is denied.

SO ORDERED, this the 7th day of October, 2008.

_____/s/Tom S. Lee
UNITED STATES DISTRICT JUDGE